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June 10, 2021

Honorable Steward D. Aaron (By ECF)
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Rodriguez v. City of New York, et al.*, 20 Civ. 11045 (GBD) (SDA)

Your Honor:

I am an Assistant Corporation Counsel in the Office of Georgia M. Pestana, Acting Corporation Counsel of the City of New York, and the attorney assigned to represent Defendants City of New York (“City”), Assistant Deputy Warden Jean Louis, and Correction Officer Dwayne Bradshaw (collectively “Defendants”) in this matter. For the reasons set forth more fully below, Defendants respectfully request the Court adjourn the conference presently scheduled for 10:00 AM on June 11, 2021 for thirty days and reschedule it for a date and time convenient to the Court on or after Monday, July 12, 2021. This is Defendants’ first request for an adjournment. Additionally, for reasons set forth more fully in Section A below, Defendants were neither able to consult with Plaintiff nor obtain his position with respect to this request.

A. *Adjournment of the Conference Scheduled for June 11, 2021*

Pursuant to Your Honor’s April 15, 2021 Order, Defendants transmitted a copy of that Order to a representative of DOC Legal. ECF No. 19. Defendants arranged for Plaintiff to be made available for the June 11, 2021 conference before Your Honor, as well as a call scheduled for June 8, 2021 with the undersigned to discuss the status of discovery. The June 8 call was cancelled—on the morning of June 8—because Plaintiff had a medical emergency requiring immediate testing. The undersigned then arranged for the June 8 call to be rescheduled for today, June 10, 2021. However, today’s call was also cancelled. On the morning of June 10, the undersigned was informed by a representative of the Department of Correction (“DOC”) that on the way to the scheduled call from his cell, Plaintiff engaged in behavior requiring an immediate departmental response and potential further action. As a result of Plaintiff’s behavior and the necessary response, DOC informed the undersigned today that they would be unable to produce Plaintiff for tomorrow’s court conference. The undersigned remains prepared to proceed with tomorrow’s conference, however, Defendants respectfully request the Court adjourn the

conference for thirty days and reschedule it for a date and time convenient to the Court on or after Monday, July 12, 2021.

B. Local Civil Rule 33.2 Disclosures Status

Additionally, an adjournment of thirty days will provide additional time to resolve one outstanding matter with respect to the Local Civil Rule 33.2 Disclosures. Defendants mailed their responses and responsive documents pursuant to Local Civil Rule 33.2 to Plaintiff on June 3, 2021. *See* ECF No. 27. However, as Defendants prepared the responsive documents, they realized that a variety of documents—specifically, the internal investigation files and officer disciplinary histories—would be most appropriately disclosed following the execution of a stipulation of confidentiality. Defendants disclosed the existence of these relevant documents to Plaintiff in Defendants’ disclosures, prepared the underlying documents for disclosure, and will produce them upon either the execution of an appropriate confidentiality stipulation or other Order of the Court. Defendants included a confidentiality stipulation and proposed order in the envelope with the Local Civil Rule 33.2 responses and responsive documents that were mailed to Plaintiff on June 3, 2021. For the reasons set forth above, Defendants have been unable to confirm with Plaintiff whether he has received these documents, or whether he has any objections to the proposed confidentiality stipulation.

Defendants respectfully request that the case be adjourned for thirty days to provide Plaintiff sufficient time to review the documents that Defendants mailed on June 3, 2021, and return the confidentiality stipulation to Defendants, at which point Defendants will file the confidentiality stipulation on the Docket for the Court’s endorsement. Following the Court’s endorsement, Defendants would transmit the remaining responsive documents to the Plaintiff. For the convenience of the Court, Defendants have attached a copy of the draft stipulation of confidentiality and protective order to this letter motion.

Defendants respectfully request the Court adjourn the conference presently scheduled for Friday, June 11, 2021 at 10:00 AM by thirty days. Defendants also respectfully request the Court adopt their plan with respect to the remaining responsive documents pursuant to Local Civil Rule 33.2.

The Defendants thank the Court for its time and consideration in this matter.

Respectfully submitted,

/s/ *Damian P. Gallagher*

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Application GRANTED. The telephone conference scheduled for June 11, 2021 is adjourned until Tuesday, July 13, 2021 at 10:00 a.m. In addition, the Court adopts Defendants' proposal regarding Local Civil Rule 33.2 disclosures. The Clerk of Court is respectfully requested to mail a copy of this Order to the *pro se* Plaintiff. SO ORDERED.
Dated: June 10, 2021

Att C An